Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 18899 of 2026

CNR:{HCMA011610192026}

and

CRL MP No. 12596 of 2026

Sunshine Tiles Co Ltd
Rep.By Muthu Annamalai,
Regional Sales Manager,
Authorized Signatory,
Plot No.2B, Jahnvi Heights,
Babu Jagan Street, Arumbakkam,
Chennai - 600 106.

..Petitioner(s)

Vs

Suresh .S

..Respondent(s)

PRAYER: Criminal Original Petition filed under section 528 of BNSS, praying to set aside the order dated 02.07.2026 made in Crl.M.P.No.7556 of 2025 in S.T.C.No.1844 of 2023 on the file of XXXVII Metropolitan Magistrate Fast Track Court IV, George Town and to allow the above Criminal Original Petition.

For Petitioner(s): M/s.M.Sivakumar

For Respondent(s): No appearance

Order

This Criminal Original Petition has been filed challenging the order passed in Crl.M.P.No. 7556 of 2025 in S.T.C.No.1844 of 2023 dated 02.07.2026 dismissing the petition filed by the petitioner to reopen and recall

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the evidence of PW-1 for further examination under Section 348 of BNSS.

2. The petitioner is the complainant and the respondent is accused in the complaint lodged by the petitioner for the offence under section 138 of Negotiable Instruments Act.

3. According to learned counsel for the petitioner, the petitioner was examined as P.W.1 and after closing his evidence he filed a petition under Section 348 of BNSS to reopen and recall PW-1 for further examination. The petitioner is an authorised person of the petitioner-Company and he wants to mark the authorisation document to depose before the trial Court. But the learned trial Judge, without considering the above facts dismissed the petition.

4. There is no representation for the respondent either in person or through counsel.

5. It is seen that the petitioner is the complainant, who lodged complaint against the respondent for the offence under Section 138 of NI Act. The petitioner was examined as P.W.1 and after closing his evidence he filed a petition under Section 348 BNSS to reopen and recall evidence of P.W.1.

6. It is necessary to give an opportunity for the petitioner, in order to mark the authorization letter authorizing PW-1 to depose before the Trial Court, however, it was dismissed by the Trial Court observing that the petitioner failed to state the details of authorization letter, to whom it was given and date and purpose of marking authorization letter and the other details of the authorization letter to be cross examined by the accused.

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7. The complainant is being the company and the petitioner/PW-1 is being the authorized person to represent on behalf of the company, it is necessary to mark the authorization letter. Therefore, this Court finds infirmity in the order passed by the Trial Court and it is liable to be set aside.

8. Accordingly, the impugned order passed in Crl.M.P.No.7556 of 2025 in S.T.C.No.1844 of 2023 by the learned XXXVII Metropolitan Magistrate Fast Track Court IV, George Town, is set aside. The petitioner is permitted to mark the authorization letter on the date to be fixed by the Trial Court. If the petitioner fails to mark the said document on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial accordingly.

9. With the above said directions this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

30-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

XXXVII Metropolitan Magistrate Fast Track Court IV, George Town.

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G.K.ILANTHIRAIYAN J.

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